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AFRICA AND THE AFRICANS,

WITH THE RESOURCES OF THE COLONISTS OF LIBERIA,—PRODUCTIONS, ANIMAL AND VEGETABLE.

BY DR. G. P. TODSON.

THE inhabitants of the three quarters of the globe,—Europe, Asia and America,—while they have, for ages, been disposed to look on the native of Africa as inferior to themselves, in a mental point of view, have admitted the value and variety of its enormous and giant-like productions in the animal and vegetable kingdom. Africa, to the naturalist, is truly the land of wonder. In the organic world, it seems to be the favorite of Nature. It gives food to five times the number of species of quadrupeds that Asia produces, and to three times the number on the whole continent of America. The colossal hippopotamus, the enormous giraffe, the largest antelopes and monkeys have their home in Africa. Peculiar to it, besides the giraffe, is the zebra, quappa, gnu, and that giant among birds, the ostrich. The camel is one of the most valuable animals Africa possesses. The variety and beauty of the birds is equally great, among which are the crown bird, flamingo, whidah, thourako, pelican, and a variety of parrots. The surrounding seas and the rivers of Africa abound in fishes, although the variety of the species is not so great as in more northern latitudes. The power of vegetation is surprising. Notwithstanding the very imperfect culture of the soil by the native African, yet he reaps a hundred-fold the fruits of the earth. Enormous trees, among which the baobab or the bread-tree of the monkey, whose crown is often one hundred and thirty feet in diameter, is one of the most remarkable. The magnificent white trunk of the coyba rises almost perpendicularly from its

root to its branches to a height of sixty feet, and with its beautiful round crown to that of one hundred and twenty feet. Africa produces the most nutritious, refreshing, and at the same time the most antiseptic plants and fruits, (such as resist and counteract putrefaction,) of any part of the globe. The butter-tree produces a kind of butter which possesses also valuable medicinal properties; and a kind of subterraneous pea, called whidah, becomes ripe six weeks from the time it is put into the ground. Africa produces wheat, barley, holcus sorghum, poa abyssinica, rice, sweet potatoes, yams, lotus berries, gum senegal, dates, figs, and the sugar cane and cassada, all valuable articles for food; as coffee, wine of the palm tree, the milk of the cocoanut, are pleasant and wholesome drinks. For clothing, cotton of a fine quality grows in abundance, and even hemp and flax have been successfully cultivated by the French in some of their African colonies. Granates, pepper of every variety, indigo of a superior quality, draggon's blood, the tallow tree, many of the best dye stuffs, and valuable woods and barks, and spices almost innumerable, offer the finest opportunities to the industrious and enterprising, for acquiring wealth and independence. Africa has more gold than any other part of the world, and what is still more valuable, iron is spread all over its continent. Of other minerals, saltpetre, sal ammonial, amber, fullers earth and gypsum, are in abundance. Salt, however, is, in many parts of Africa, rather scarce.

The difference in the anatomical structure of the natives of Africa, particularly in the bones of the head and brain, which afford rather less space to the latter organ than in the Caucassian race of men, have led physiologists to an opinion, that an isolated state from the rest of the human race, has changed the original organization of the Africans. Of such an original race of Africans, traces are said to have been discovered in the original Egyptians, the Copts—in the inhabitants of the Canary islands, and in the Berbers. The Arabs are generally regarded as immigrants, although they are now spread widely over the northern and eastern part of that continent.

Ship-building and Tanneries in Liberia.—Some remarks on the advantages of introducing into the Colony the tobacco plant of Havana as a valuable article of export, of raising arrow-root, indigo, the sugar-cane, cotton, coffee, and of establishing manufactories for some of those productions, have been already noticed. There are others of equal advantage and importance to the Colonists. The great quantity of fine timber which the country produces, offers great inducements to engage in the building and repairing of vessels of every description. This is a branch of industry in which the Colonists have already acquired some experience, and the success which has attended their first efforts is highly encouraging. Several small vessels built at Monrovia, for trading along the coast, have proved well adapted to that purpose, and yielded a considerable profit to their owners. This business should be conducted on a more extensive scale. The harbor of Monrovia being one of the best along the coast, vessels would frequently resort

to it for repairs, if this business was carried on extensively and with regularity. But the advantages would not be confined to ship carpenters and ship owners; for, vessels bound for the East Indies and for China, would have an additional inducement for stopping at Cape Messurado, in their being, at the same time, supplied with fruit, fresh provisions, and water, at less expense than at most other ports on the coast. The natives bring a number of goat-skins, and those of other animals, to the Colony, which are generally sent to Europe to be made into leather, and again exported. The dressing and preparing of those skins is one of the most lucrative occupations and trades. The materials for tanning leather and for preparing and dressing skins and peltries, are very abundant in the Colony; and the fact that the conversion of skins into leather is greatly promoted and accelerated by an increase of temperature, offers another great advantage to persons establishing manufactories in Liberia for that object, the capital invested in the undertaking yielding a greater profit in less time.

A great variety of reeds are to be found along the different water courses in Liberia, especially rattans, of which chairs might be manufactured, which unite with great strength and durability the advantage of being very light and peculiarly adapted to a warm country, from their free admission of air. The exterior coating of the rattan contains a considerable quantity of silex or flint, so that it will strike fire with steel: owing to this silex, also, it will not be effected or rot when immersed in water; for this reason, rattans are used by the Chinese for cables, which are said to be very strong and durable. These are but a few of the many natural productions of the Colony which have hitherto, from the short period the country has been occupied by the Colonists, not received that attention which, in future, they will no doubt elicit. On a future occasion, I shall resume this subject, and endeavor to show that the philanthropist must rest his hope for the civilization and conversion to christianity of the natives of Africa, on the success of the plan of the American Colonization Society.

COLONIZATION MEETING AT KEESEVILLE, N. Y.

We notice with pleasure the proceedings of a Colonization meeting at Keeseville, N. Y., on the 18th ultimo,—Hon. R. Jones, chairman, A. H. Allen, Esq., secretary.

The objects of the meeting was stated by the Hon. Oliver Keese, who offered the following resolution:

Resolved, That Colonization has one grand object, viz., to colonize and christianize Africa, by drafts upon the free people of color of the United States, and that it is entitled to the support of the philanthropist, the patriotic statesman, and the Christian.

He then proceeded to show that the colony of Liberia was in a most prosperous condition; that the history of Colonization does not afford a parallel; that in less than twenty years the Colony has acquired a population of above

five thousand; that the immigration has been about four thousand five hundred; that there are four Colonies united in one Federal Government, with a Federal and Colonial Legislature; with Courts, Academies, and Schools; with twenty Churches, and about forty Ministers; and also a well organized and efficient Militia; and that in the colonies of Liberia we see the germ of a rising and growing, and peradventure, of a mighty empire.

The following resolution was then offered by Mr. I. N. Gregory:

Resolved, That in view of all the efforts made for the suppression of the Slave Trade, the only plan which promises to be effective is, by civilizing and christianizing Africa herself.

After addresses from Messrs. Gregory, Forsyth, Hon. R. Keese, and Mr. L. Stetson, a contribution was taken up of $60, to constitute the Rev. John Mattocks and the Rev. F. W. Smith, Life-members of the American Colonization Society.

If all those who are friends to the American Colonization Society, and who believe in the great good that is now being accomplished, would follow the example of our Keeseville friends, we would be enabled to send out, this Spring, nearly eighty destitute emigrants who are offered, and are waiting an opportunity to embark.

From Zion's Advocate, Portland, Maine.

AFRICA.

Journal of Mr. Clarke, dated Edina, June 20th, 1839.

It gives us pleasure to be able to lay the following journal before our readers, to many of whom the author, brother Ivory Clarke, is personally known. Mr. Clarke is a native of York county, and a graduate of Waterville College. It will be remembered, that he left this country some two or three years since, under the direction of the Baptist Board of Foreign Missions, with the expectation of laboring in Africa. What is the character, and what will be the probable issue of his labors, may be gathered from his journal. We copy it from the Missionary Magazine for the present month.

In a letter to the Board, dated May 5, 1839, brother C. says, "The native school is becoming increasingly useful. It contains twenty-six pupils, of whom twenty-three are sustained by the mission, and three by individuals." He also states that his health and that of Mrs. C. is good. The following are extracts from his journal:

May 1, 1839. My health being much improved, I attempted what I had for several months contemplated, viz., preaching to the natives. I went to Joe Harris' town, and acquainted him with my object. The old man received me very kindly, and said, if I would come and live in his town, and teach his people, he would build me a house.

5. I preached the first time at Joe Harris' town, to eight or ten persons, on the existence and character of God. The people listened attentively, and King Joe again requested me to live in his town. Spent my time in preparing letters to send to America, and assisting brother Crocker to make arrangements to go into the country.

12. Preached at Joe Harris' town.—Subject, the creation and primitive state of man. The people gave good attention. When I had finished,

King Joe gave me *his* theory of the creation of man. He said, God at first made a white man and a white woman, and a black man and a black woman, and that from these two pairs, originated the white and colored races; that God offered the two men a book, and some rice and palm oil. The white man choose the book, which taught him how to obtain every thing he needed. The black man preferred the rice and palm oil, and had not since been able to obtain any thing more valuable.

I told him there was now an opportunity for him and his people to secure the advantages which books had given the white man, as we were willing to teach them, or, at least, some of their children. He seemed pleased with the information, and said he wished me to live in his town, and teach his people. I told him I could not at present, but if my health should continue good, I would come and preach to him and his people on the Sabbath. He sent a boy to be instructed in our school, and requested me to come and preach every Sabbath. Spent the week in teaching the native boys, and studying the Bassa language. Good health, and an increasing desire to labor among these poor people.

19. Again at Joe Harris' town.—Preached on the fall of man, and its consequences. Twenty-five or thirty at worship.

23. Went to King Soldier's town. The King, who is between fifty and sixty years old, has a small town, twelve or fifteen miles from our mission-house. He appeared very glad to see me, gave me a hospitable reception, and sent one of his boys to our school.

25. In the forenoon, at Joe Harris' town, where I endeavored to make the people understand something of the way of salvation by Jesus Chirst.

June 2. Preached at Joe Harris' town in the forenoon, on the institution of the Sabbath, and the duty of observing it. Thirty-five or forty persons at the meeting.

9. At King Joe's. Preached on the life and death of our blessed Saviour. Having dwelt on Christ's advent, and course of life while here, I spoke of his death, at which they seemed to be astonished. This was the first time that I had witnessed any emotion in my audience. O! that God would have mercy on this poor people.

In the afternoon I went to King Tatoo's town, to preach, for the first time. Tatoo appeared to be a man sixty years old or more. He has a small town, about four miles from the mission-house, and one mile from Joe Harris', on the St. John's river. The old man seemed to be pleased, and wished me to come again and preach to him and his people.

16. Going to King Joe's, this morning, I found the people busily at work. I met one man, and asked him if he knew it was the Sabbath? He said he did not. I told him it was, and made no further remarks; but in a few minutes the people left work. There were between sixty and seventy at worship. They were very attentive. After service, the king said he did not know it was Sunday, and that he would have no more work done on that day. In the afternoon, I preached at Tatoo's town, on the state of man after death. The people were very attentive. At the close of my remarks, the king reached me his hand, as an indication that he was pleased. May he enter the Lord's vineyard, though at the eleventh hour. I fear, after the novelty of this subject is over, the people will become inattentive. But all my hope is in God.

Extract from a letter, dated HEDDINGTON, SEPT. 26, 1839.

DEAR SIR:—I am informed that the ship Saluda will sail from our port for America in about eight days, and O what a blessed privilege it is to me to write a few lines to my dear father in the gospel, N. BANGS. Every body knows quite well, that I have a spark of humanity in me or about me, that the trouble which I have often given you, and which you have so patiently endured, has endeared you to me in a peculiar manner. Hence, conscience forbids that I should suffer the present opportunity to pass without an acknowledgment to you for all your unmerited favors towards me. For, by your deep humility, I have been benefitted much every way.

And with all the rest, please suffer me to give you a few hints of my present position and circumstances in life. I am yet at Heddington, on my post. I am enjoying excellent health, and in good spirits. This is, to me, one of the most pleasant situations in the world, although the town is but just commenced building. This town is about 8 or 10 miles south of the St. Paul's river, and is elevated about 150 feet above the waters around us. There are two creeks, one on each side of the town, about half a mile from each other, both running in a westerly direction, and emptying into Nawway creek, each about half a mile west of us. The Nawway runs to the north. Here the land is of the first quality. Here we have almost unchangeably a fresh breeze of sweet air rolling up the foliaceous branches of the palm trees which grow in the valleys around us, which, when at a distance, much resemble the great waves of the ocean. There are not any dead waters or swamps for several miles around us. Here all the principal paths meet—here is a conjunction—here the paths from the Vie, Pessah, Gissah, Quear, and Goolah tribes, leading to Millsburg, White Plains, Caldwell, New-Georgia, and Monrovia, intersect at our palaver-house. And in the midst thereof are the mission premises.

Here we have a little framed house 18 by 24, though quite too small for our work; hence our beloved and energetic brother SEYS has given me the privilege of building a commodious church for the worship of God and the benefit of our school. We shall commence building in about three weeks, and dispatch it as soon as possible. There is a good prospect of having a large town here speedily. The natives continue to be exceedingly friendly to me and the family. Our crops look nobly. We have an abundance of potatoes and cassada, which our native boys have raised the few months past. Yea, we have enough, and should have spared an abundance of sweet potatoes before now, had we not been so far from market, and the rivers almost unnavigable.

A few lines on the spiritual department, and I close. Under God, I have charge of one of the most interesting little flocks that God has in all the world. This flock consists of 59 native converts, all of whom I have the fullest confidence have met with a gospel change of heart, and all of whom were converted in the mission-house. O how it would cheer your heart to attend one of our class or prayer meetings! I think that could Drs. BANGS, LUCKEY, Mr. LANE, or even Dr. REESE, see and hear the things that I do, they would shout as loud as I do sometimes. See the Greegree man dethrone his idol or God in whom he trusted until his head was gray with old age, but now cast the dumb thing into the fire, look up and pray to the eternal God to curse the very smoke thereof! O the power of the gospel! See the warrior lay his spear upon the ground, and with his pointed sword and knife make a cross therewith—see him kneel, and look up, and pray to God that if ever he take them up again to war, they may be the immediate instruments of his death. O, sir, could you hear a little two pound bell ring in this dark forest, and see the score of natives flock to the mission-house, like

sheep to the shepherd in time of drougth, singing, "Blow ye the trumpet blow, the gladly solemn sound," or "O for a thousand tongues to sing my great Redeemer's praise," and hear them thanking God in prayer for the benefits and spread of the Gospel, and hear the loud amens, and add to this their regular attendance at family devotion (for nearly the whole church come together morning and evening,) their sound reasonings in meetings of business, and constant applications to the missionary to know what God says about it, why, sir, you would be tempted to lay down your pen and come over to Arrica at once. I would to God you were already here. O ye missionaries, men and women, here are the fruits of your labors, prayers and money; God has given you a hundred fold this year, and next year shall be as this, and much more abundant. So far you have given us the means, and we are determined, under God, to execute the work, for so long as we have the means, we shall be ashamed to be found lacking on our part. O Christians! pray that God may sustain us in the glorious work, that the name of God may be glorified, to whom everlasting praise and thanksgiving are due. Affectionately yours in Christ. GEO. S. BROWN.

Extract from the senior Editor of Africa's Luminary.

"According to a promise I made brother David Moore, I stopped at his little plantation to aid him in his sugar boiling. I can scarcely describe my agreeable surprise when I walked up to the premises and beheld a neat and well built sugar-mill, which had been at work, and the cane juice expressed, already on the fire. The excellent mechanic, Mr. Sanders, deserves much praise, not only for the excellency of the workmanship, but for the exactness with which he has imitated a draft given to him by a friend more than a year since.

"After rendering them a little help in the process of "tempering," boiling to "a proper consistence," and "striking," we resumed our seats in the boat, and steered for Millsburg. I could not but reflect for a few moments on the great disadvantages under which men carry on their agricultural pursuits in Liberia. Brother Moore has neither horse, mule, nor ass to turn his sugar-mill. Boys are employed, and of course the process is slow, and the expense great. Now, if some wealthy Colonizationist in America would but contract with the master of some ship coming here, to stop at the Cape de Verd Islands or Goree, and buy a good selected lot of mules and jacks, to be sold (not given away) to the farmers and other citizens of these Colonies, what a blessing it would be."

Liberia and the Mandingoes.—Among the interesting communications lately received at the Colonization Office, from Governor Buchanan, of Liberia, is a letter in Arabic, from a Mandingo trader, who was on a visit to the Colony from his country. There was no person in the Colony who could read this letter. A translation of it has been made at the Department of State, and we are happy to present it to the public, as a paper involving considerations of much interest to the negro colony of Liberia. Ibrahim, the writer of the paper, went to Liberia on a trading expedition, and whilst there, being requested by Governor Buchanan to give him a specimen of Arabic writing, he wrote the paper of which we present the following translation. Governor Buchanan and Ibrahim had conversed frequently upon the horrible Slave Trade in which the Mandingoes are known to participate:

"Oh, God! The blessings of God be upon Mohammed, and the family of Mohammed, with peace.

"Many salutations from the country of Kokoro, Sultan Mekan. A vessel came to the land of Soudan, (Negroland) with a prosperous and happy voyage. Many vessels have come, and many people, wishing to sweep the whole country, and to take many men. The people do not wish to sell slaves; the strong in heart do not wish to sell slaves; they love justice and shun what is evil. This they will do, if it please God. There is no power nor strength but in God alone, the great. As he has said in his word, (the Koran.) How many small armies have conquered great ones by the permission of God? And God is with those who do good.

"Peace be to him who follows the right path.

"IBRAHIM wrote this."

This letter we understand, is very correctly written in the Koranic Arabic. The letters of the manuscript are *Mauritanic*, or *Mogrebin*, and are well written, under the disadvantage of their being made with a *pen* instead of the *calamus*, or reed.

The country occupied by the Mandingo negroes is watered by the Joliba, Quorra, or Niger. The tributary streams of the Senegal rise in the Mandingo country, of which *Kokoro* is the principal. The geographic distance of the Kokoro from Liberia is about four hundred miles.

The Mandingoes constitute the most populous and commercial tribe of Soudan or Negroland. These people and the Foolahs form a link between the Moors, or Arabs, of the desert of Sahara, and the true negro. According to Mr. BRYANT EDWARDS, they have not the thick lips and flat noses of the more southern tribes, and their hair, though bushy and crisped, is not woolly, but soft and silky to the touch.

The Mandingoes are, for the most part, Mohammedans. They read and write the Arabic of the Koran, and to this superiority over the idolatrous tribes of *fetichism* they add that of greater natural sagacity and intelligence. Their government is republican in its form, whilst that of negro tribes, generally, is monarchical and despotic. They frequently war with each other, and with those tribes regarded by them as the enemies of their faith. Indeed, propagation of the Koran by the sword is an article of the Mohammedan faith and precept. The commerce of the interior is chiefly in the hands of the Mandingoes, and they are the factors of the slave traders.

It gives us much pleasure to find, from IBRAHIM's letter, that the Slave Trade is regarded by Mohammedans as opposed to humanity and to the precepts of the Koran. Liberia is destined, by its moral influence upon the neighboring nations, to exercise a powerful control over the Slave Trade of the interior, and we hope for its entire suppression. The Mandingo traders, returning to their homes, will extend the knowledge of this free colony of negros, possessing the arts and the science of the white man, whose superiority the negro tribes of the coast have so long been accustomed to dread. If Africa shall ever receive civilization, it will come from the colony of Liberia.—*National Intelligencer.*

CHURCH IN MONROVIA.—We have received through the Rev. Dr. R. J. BRECKINRIDGE, *fifteen dollars*, contributed by the *colored Sabbath school*, connected with the *Second Presbyterian Church, Baltimore*; and *Fifty dollars* through the Rev. ROBERT DUNLAP, of Pittsburg, from a benevolent lady of that place, for the benefit of the Presbyterian church in Monrovia, Africa. These, added to former contributions, make the whole amount received for this purpose, *two hundred and eleven dollars, fifty cents.* We rejoice in these displays of benevolence.—*Phil. Presbyterian.*

AFRICA.—The native school under Mr. CLARKE at Edina, becomes increasingly useful. It contains twenty-six pupils; two of them only are females. They make good proficiency. They become much interested in their studies after about two months, and some of them are able to read English and Bassa well, to write legibly, and understand something of the rudiments of arithmetic, geography and grammar. Could support be obtained for them, the numbers might be greatly increased. It is of great importance that the females be educated. Mr. CROCKER is preparing for the press a portion of the New Testament, which he has translated into the Bassa language.

ZANZIBAR.—This Province is under the government of the Sultan of Muscat, on the eastern coast of Africa. The town of Zanzibar was visited by Mr. HUME and his associates, on their way to join the Mahratta mission; and its appearance from the harbor is thus described:

"Most of the buildings are mere huts, built of mud and sticks, and thatched with the leaves of the cocoanut tree. At first they appeared like a ledge of rocks. The streets are nothing but crooked lanes, from three to fifteen feet in width. They have many short turns, and are not suitable for carriages." The Sultan is a Mahommedan Prince, apparently about fifty years of age, of simple and easy manners, of somewhat liberal views, and maintains an efficient and comparatively well regulated government over his subjects. He invited the missionaries and their wives, the American consul, Captain M. and Mr. THORN to his palace, built of coral rock, of which the island is formed, where he received them with much politeness, conversed with them familiarly, took the ladies into the female departments, where they remained half an hour, when they returned, each bringing a large red Cashmere shawl as a present from his highness. They at first declined the gift, but he obliged them to receive it. This was the only building in which glass windows were seen.

A school was found here, kept in an open shed—thirty scholars belonging to it, though only twelve were present; their only business appeared to be to read and write the Koran. One of them was a white negro—"his skin as white as our own, his hair curly, and his features those of an African." "There are several of these schools in the town, but they impart no knowledge." "The pupils merely read or chant the Koran, without paying any attention to its meaning." But of this visit of the missionaries to Zanzibar, our correspondent has detailed more particulars than we can give from the Herald. —*Boston Recorder, September* 14.

AFRICAN CIVILIZATION SOCIETY.—Last July a Society, under this name, was formed in London, by several British philanthropists. THOMAS FOWELL BUXTON was one of the leading members of the Society. Its design is expressed in the following sentence—That an institution be formed, having for its primary object the extinction of the Slave Trade, by adopting measures for civilizing Africa, and encouraging and protecting the cultivation of the soil, and legitimate commerce.

This is substantially the plan adopted in this country, by the Colonization Society, only, as we presume, the British Colonies will consist of white men, as managers or colonists; while the plan of the Colonization Society is, to make an independent nation of colored people, who shall make their own laws and rule themselves. This brings the colored man to an elevation and standing with any other people or nation.—*N. Y. Chris. Intell.*

THE AMISTAD CASE.

The opinion of the Court in this case is long. We give such extracts as will show the principle which has governed the Court in this highly important and interesting decision:

District Court of the U. S.,
District of Connecticut, *Jan.* 7, 1840.

Thos. R. Gedney *and others*,
vs.
The Schooner L'Amistad. } *Libel for Salvage.*

"On the 26th of August, 1839, Lieut. Gedney, commanding the brig Washington, of the U. S. Navy, seized and brought into the port of New London, in this District, the schooner L'Amistad, with a cargo of goods and 49 Africans, then claimed as slaves by Don Pedro Montez and Don Jose Ruiz, subjects of her Catholic Majesty the Queen of Spain, the said Montez and Ruiz also being on board the schooner. On the arrival of the schooner within this district, New London being the first port into which the schooner was brought after her seizure, a libel was filed here by Lieut. Gedney, the officers and crew of the brig Washington, claiming salvage.

"At a special District Court, held on the 19th of September, other libels were also filed, in the following order: — That of Jose Ruiz—that of Pedro Montez—that of Henry Green and Peletiah Fordham—A libel in behalf of the United States by the District Attorney—first, claiming that the vessel, cargo and slaves, be restored to the owners, being Spanish subjects—and, secondly, demanding that the negroes be delivered up to the President to be transported to Africa—that of the Spanish consul claiming Antonio. And on the 19th day of November another libel was also filed, by the District Attorney, in favor of the United States, alledging that the Spanish Minister had, in pursuance of the treaty between the United States and Spain, demanded of the government of the United States, the restoration of the schooner L'Amistad, her cargo, and the slaves on board, for the owners thereof, being subjects of Spain.

"The ordinary process of attachment issued, and the schooner, goods, and Africans, so alledged to be slaves, were taken into custody by the Marshal of this District, for adjudication upon these various libels and claims.

"Lieut. Gedney now appears and pursues his claim for salvage. Henry Green and Mr. Fordham appear and pursue their claim for salvage. The District Attorney of Connecticut pursues the libels filed by him in behalf of the Government of the United States, and in behalf of the Minister of Spain, for a restoration of the ship, cargo and slaves, under the treaty between Spain and the United States.

"The case is not only important to those immediately interested, but there are involved principles important to the nation and the world.

"Was the schooner L'Amistad seized on the *high seas?* The answer to this question depends on the legal signification of the term *high seas*, as used in the Judiciary Act of 1789. Here I have no new path to mark out for others, but only to adopt the language of learned *jurists* who have gone before me and yield my assent to determinations already made. To the former I can listen with respect, butto the latter I am bound to yield obedience, as to the settled law of the land.

"Perhaps a more conclusive argument cannot be found than that of Mr. Webster before the Supreme Court, in the case of the United States *vs.* Bevins, (3 Whea. 336.) This is the language: 'The common and obvious meaning of the expression *High Seas*, is also the true legal meaning.

The expression describes the open ocean, where the dominion of the winds and the waves prevails without check or control. Ports and Havens, on the contrary, are places of refuge, in which protection and shelter are sought from this turbulent dominion, within the enclosures and projections of the land.'

"For all purposes of Admiralty, *Long Island Sound* is to be considered *high seas.*

"We approach now to the merits of the case, and the facts involved may be stated in a few words; and about these facts there is little diversity of thought. A Spanish vessel owned in Cuba, proceeded from thence to the coast of Africa, and having procured a cargo of native Africans, returned and landed them near Havana, where they were put into a slave mart for sale. Within fifteen days from the time of landing, Jose Ruiz and Pedro Montez, subjects of the Queen of Spain, and residents of Guanaja, in the Province of Puerto Principe, on the Island of Cuba, being at Havana, purchased fifty-four of these Africans. The schooner L'Amistad, then lying in the port of Havana, possessing rightfully the national character of a Spanish vessel, owned and commanded by one Ramon Ferrer, master, and regularly and lawfully licensed in the coasting trade, between the ports of Havana and Guanaja, and being laden with Spanish goods for the latter port, the said Ruiz and Montez put on board thereof the said fifty-four Africans, with permits from the Governor of the Island of Cuba, to be transported as freight to the said port of Guanaja, and the said Ruiz and Montez took passage in said schooner. All grounds of suspicion that the L'Amistad had been any wise connected with the original importation of these Africans, is wholly excluded from the case.

"Three days from Havana, the negroes rose upon the vessel and killed the master and cook, and by force took command, and after being 63 days upon the ocean, she came into the waters of the United States, in a condition perilious to the vessel and the lives of Ruiz and Montez and all others on board. Being found as heretofore stated, the schooner and all belonging to her were seized by the brig Washington, and from thence were brought into the port of New London, within the district of Connecticut; and the schooner, cargo, and Africans now claimed as slaves, are here libelled for salvage, by Lieut. Gedney, &c.

"Having stated these various claims, and the circumstances of the seizure, I will now proceed to the consideration of each claim, somewhat in the order in which they stand upon the record.

"I. The claim of the officers of the brig Washington.

"In considering and disposing of this claim, it may not be improper to divide it into two parts.

"1st. The vessel and goods.

"2d. The Africans alledged have been the slaves of Messrs. Ruiz and Montez.

"The seizors are entitled to salvage. This lien is placed upon the vessel and her effects by the laws of all nations. It is founded on the broad principles of justice acknowledged by all, and the treaty stipulation is entered into, with this lien, which cannot be considered as inconsistent with the treaty. The decree will be, that the schooner and her effects be delivered up to the Spanish government, upon the payment, at a *reasonable rate*, for the services in saving this property from entire loss.

"An appraisement will be ordered, and one-third of that amount and cost will be deemed just and reasonable.

"II. The next question is, can salvage be allowed upon the slaves?

"There are insuperable objections to this portion of the claim. There is

no foundation here laid for a decree *in personam*. The decree, if at all, must operate *in rem*. That is, the salvage must be considered as a lien upon the slaves themselves, and the amount to be decreed must be raised out of them, as out of other property.

"Here then I find this claim hedged about by fixed and known laws, over which it would be impossible for me to leap. I have heretofore decided, in the very outset of this case, that these alledged slaves cannot be sold. There is no law of the United States nor of the State of Connecticut by which title can be given to them under any decree of this Court. I am still confirmed in that opinion. It is impossible!

"Next comes the libel of Green and Fordham. This claim is rested upon the idea that they had taken possession of this vessel. The facts proved will not sustain this claim.

"The two *great* questions still remain to be settled. Shall these Africans, by a decree of this Court, be delivered over to the Government of Spain, upon the demand of *her* Minister, as the property of Don Pedro Montez and Don Jose Ruiz? But if not, what ultimate disposition shall the Government of the United States make of them?

"The other questions, in importance, cannot be compared with these.

"Here we have Her Majesty the Queen of Spain, by her resident Minister at the Court of the United States, unequivocally demanding for her subjects these Africans, as their property, in the fulfilment, as he says, of treaty stipulations, solemnly entered into by this nation. These Africans come in person, as our law permits them to do, denying this right.

"They say, that they are not the slaves of Spanish subjects, and are not amenable to Spanish laws.

"The negroes now in question were all born in Africa—they were imported to Cuba by the slave traffic, about which Montez and Ruiz had nothing to do—they were put into a baracoon near Havana, and after remaining there not exceeding 15 days, Montez and Ruiz brought them to the schooner L'Amistad as their slaves, and put them on board for Guanaja. Consequently, I find these negroes to be Bozals; they were so at the time of the shipment.

"The demand of the Spanish Government, is, for these Bozals to be restored to them, that Montez and Ruiz may have them as their property. To justify this demand, and require this government to restore them under this treaty, these negroes must not only be property, but Spanish subjects must have a title to that property. In other words, Spanish subjects must own them—must come lawfully by them—they must have lawful right to hold them as their own. Suppose a slave should be demanded of us, by the Portuguese government, and it should appear in evidence that the slave in fact belonged to a citizen of South Carolina, we could not give him up to Portugal. Although he may be a slave, the Portuguese have no title to him. They cannot demand, and we cannot surrender. The right of demand and the necessity of the surrender rests on the title to the property. Property and title both are to be made out.

"In all cases where property and title are proved to be in Spanish subjects, the treaty is imperative, and at all hazards it must be surrendered.

"The obligations are solemn, and war might be the consequence of a breach of this duty on our part.

"I go up to the letter and spirit of the treaty both, but I do not step over it, merely because the demand is madeb y a high contracting power. The demand must be lawful. The Minister has demanded the schooner, and suppose in point of fact it should turn out that the schooner belonged to a subject of France, instead of Spain, can we deliver it to Spain? Surely

not. How stands the case here? The government of Spain demand of us, under their treaty, a restoration of these negroes, and we ask them for their title. It is a very well settled principle here and elsewhere, that the party demanding restoration, must show his title—the onus probandi lies on him. Aware of this rule of law, the Spanish claimants send to me their evidence of title. And what is that document. A deed—a bill of sale—a transfer? No. It is a permit—a license—a pass—signed by the Governor General of Cuba for Don Pedro Montez and Don Jose Ruiz to transport 54 Ladinos to Guanaja, and that is all! This embraces the whole evidence of property and title both.

"But this establishes no title to property. Suppose I admit that slaves are property, yet Montez and Ruiz must possess the title in themselves. They have furnished no proof of payment,—they have shown no bill of sale,—no witness has sworn that he was present when these negroes were sold. They have not shown us from whom they derive their title. It is the naked possession on which they rely. When the right is disputed, this is not enough.

"Suppose a gentleman in Mississippi hires a slave of his neighbor for one year, as a travelling servant, and while in Kentucky sells him? He had the possession too, but he conveys no title, for it is the law of every country in the civilized world, that a man must have title before he can grant it to another. Were a gentleman of New Haven to rent me his house and give me the possession, and another person from Havana should come here and take a deed of that house from me, *he* would gain nothing by the grant, for the simple reason that I had no right to grant. This is so plain that the feeblest intellect cannot but see it.

"How does the Spanish Minister fill up this chasm in the evidence? how does he link together this chain of title? By nothing else except the Governor General's *Passo*, and this has before been commented upon. *Now* that official document is to serve the double purpose of proving property and title both: and yet when we look on it again, and apply to it our judicial test, if the expression may be allowed, we find that instrument still is for *Ladinos*, and not *Bozals*. It contains on its face an untruth. The Governor General has not given a pass for *these* negroes! and, consequently, these Bozals stand on the deck of the L'Amistad without any *passo* whatever.

"For a familiar illustration of this legal result, take, if you please, a bale of goods, for we will now call them goods, and have it shipped and invoiced at Liverpool, as cotton prints—they are entered here as cotton prints, or smuggled in, and then sold to an innocent purchaser, when it is discovered for the first time that 'broad cloths' compose the package. These broad cloths may be taken from this innocent purchaser, libelled and forfeited. Where is the remedy? The purchaser goes back to the seller, and he must take care of himself. Who sold these Bozals to Don Jose Ruiz and took his twenty thousand dollars from him? I know not, but if he does, there is his remedy. It is the sale of an article of goods to which he, the seller, had no title.

"The question remains: What disposition shall be made of these negroes by the government of the United States?

"There is a law of Congress, passed the 3d of March, 1819, which renders it essential that all such Africans as these should be transported, under the direction of the President of the United States, to Africa. The humane and excellent provisions of this Act, characterize the period when it was adopted. Among the prominent provisions of Congress to ameliorate the condition of Africans brought away from their homes in this traffic, which is spoken of and believed to be odious, is this Act of 1819. Con-

sidering the object embraced within these provisions, the statute itself must receive the most liberal and generous construction. Those technicalities of construction which pertain to another class of acts, do not belong to this act. Those rules which govern Courts in deciding on *penal acts*, are to find no place by the side of this statute. They must govern no mind employed in carrying out the noble intentions of the framers of this law. What is the spirit of that act? It is to return to the land of their nativity, all such Africans as may have been brought from thence. This being the spirit of that act, I stop not in the mere forms of legislation.

"Cinquez and Grabeau shall not sigh for Africa in vain. Bloody as may be their hands, they shall yet embrace their kindred. I shall put in form a decree of this Court, that these Africans, excepting Antonio, be delivered to the President of the United States to be transported to Africa, there to be delivered to the Agent, appointed to receive and conduct them home.

"To do it we have ample authority, and ample means. What American can object to this decree? No one surely, when the case is correctly understood.

"It will indeed require the Executive arm to carry out this decree. This may well be anticipated, because the facts which I have found and shall put upon the record, will carry conviction to every mind.

"Antonio, falling clearly within the principle, and in the presence of the Court expressing a strong wish to be returned, will be decreed to the Government of Spain, with the vessel and goods, the vessel and goods being alone subject to the lien which the necessity of the case has thrown upon them, for the salvage service and the cost."

EMIGRANTS TO TRINIDAD.—The ship Metamora left us this morning, in tow of a steamboat with colored emigrants for the Island of Trinidad. Quite a ferment was occasioned among them by reports of a returned emigrant who arrived here on Sunday, that those who went out in the former expedition, could not get the wages which had been promised them, and that they had been treated little better than slaves.

On hearing the man's story, two or three families, who had got their effects on board, refused to go. The rest, though not without some misgivngs, determined to go and see for themselves.—*N. Y. Jour. Com.*

PROCEEDINGS OF THE BOARD OF DIRECTORS.

COLONIZATION ROOMS, 22*d January*, 1840.

The Board of Directors met. Present, Mr. GARLAND, of Virginia; Messrs. CRITTENDEN and UNDERWOOD, from Kentucky; Mr. HALSTED, from New Jersey; Messrs. COLWELL and CRESSON, from Pennsylvania; Mr. WILLIAMS, from Connecticut; Messrs. CORWIN and MASON, from Ohio; Messrs. J. C. CLARK and WILKESON, from New York.

Mr. GARLAND was called to the Chair.

Mr. M. ST. CLAIR CLARKE was appointed Secretary.

The Board having received satisfactory evidence that the Philadelphia Society had given the notice required by the Constitution on the subject of Amendments to the same, a Committee was appointed on Amendments to the Constitution.

Committees were appointed on the Acts of the Executive Council in Liberia; on the Code of Laws for Liberia; on the subject of an Admiralty Court; on Salaries and Appointments. Adjourned.

23d January, 1840.

The Board proceeded to the election of the Executive Committee. S. WILKESON was appointed as a member thereof, under the style and title of President of the Board of Directors, and Chairman of the Executive Committee.

Messrs. WM. W. SEATON, M. ST. CLAIR CLARKE, HENRY L. ELLSWORTH, HUDSON M. GARLAND, RICHARD S. COXE, and Dr. HARVEY LINDSEY, were appointed the remaining members.

Rev. R. R. GURLEY was reappointed Corresponding Secretary.

24th January, 1840.

Board met. Mr. UNDERWOOD, from the Committee on Amendments to the Constitution, reported the following resolutions, which were unanimously agreed to:

Resolved, That the sixth article of the Constitution of Liberia shall be and the same is hereby amended, by adding the following: "Provided, nevertheless, that if two-thirds of all the members elected to serve in the Council shall concur in passing a bill or resolution, notwithstanding the veto of the Governor, the same, when so passed, shall become a law, and have effect as such;" so that the article, as amended, shall read as follows:

"The Governor shall preside at the deliberations of the Council, and shall have a veto on all their acts; provided, nevertheless, that if two-thirds of all the members elected to serve in the Council shall concur in passing a bill or resolution, notwithstanding the veto of the Governor, the same, when so passed, shall become a law, and have effect as such.",

Resolved, That the Constitution of this Society shall be and the same is hereby amended in the fifth article, by striking out the whole of the third sentence in the words following: "They (*the Board of Directors*) shall also appoint annually the Executive Committee of Five, with such officers as they may deem necessary, who shall be ex-officio members of the Executive Committee and Board of Directors, but in the latter case shall have a right to speak but not to vote," and insert in lieu thereof the following: "They (the Board of Directors) shall also appoint annually the Executive Committee, to consist of Seven, with such other officers as they may deem necessary. Four of the members of the Executive Committee shall constitute a quorum for business. The officers of the Society shall be ex officio members of the Board of Directors, and shall have a right to speak but not to vote."

On motion of Mr. WILKESON,

Resolved, That this Board have heard with unfeigned regret, that the Hon. CHARLES FENTON MERCER is about to leave the public station which he has so long filled with honor to himself, and which enabled him to render very essential services to the Society.

Resolved, That the thanks of the Society be presented to him for early, long continued and faithful devotion to the cause of Colonization.

Mr. P. THOMPSON was re-appointed Treasurer.

Resolved, That the thanks of the Board be presented to P. THOMPSON for his gratuitous services as Treasurer of the Society.

The several Committees heretofore appointed, made reports, which were adopted.

On motion of Mr. GARLAND,

Resolved, That the Executive Committee be requested to publish an Address to the different Auxiliary and State Societies co-operating with this Society, to send a full representation to the next Annual Meeting.

Several resolutions and orders concerning the business of the Society were agreed to, and then the Board adjourned.

RECEIPTS AND EXPENDITURES

Of the American Colonization Society, from December 11th, 1838, to January 20th, 1840, inclusive.

Dr.		Cr.	
Balance of cash on hand December 11, 1838,	$164 59	Paid on Old Debts,	$6,233 21
Cash received since that date from the following sources:—		" Arrears of Salaries at home for 1838,	1,037 09
Donations, Collections, and Subscriptions,	18,603 61	" Purchase of Ship Saluda,	6,000 00
Auxiliary Societies,	15,119 69	" Commonwealth of Liberia,—Salaries of the Governor and Officers, Supplies for the Colony, Stores and Provisions for Ship and Emigrants,	25,274 96
New York City Society, (including $3,000 received on account of Ship,)	5,235 09	" Transporting Emigrants, Clothing, and other articles furnished them, previous to embarking,	1,466 91
Pennsylvania Society,	1,637 80	" Salaries at home, for 1839,—including that of the Corresponding Secretary, who has been engaged the past year in visiting important parts of the United States, and raising funds,	2,627 93
Legacies,	3,067 18	" Compensation to Agents, Travelling Expenses of Mr. Gurley, and Agents in Collecting Emigrants,	3,717 66
For account and benefit of Emigrants,	6,003 58	" Office Rent, Fuel, Postage, Stationary, Occasional Services in Office, and other Contingencies,	952 33
Passengers and Freight by Ship Saluda,	964 50	" Discounts and Exchange,	265 79
United States' Treasurer, for expenses of Seamen from the Ship Emperor, which was wrecked on the coast of Africa,	343 06		47,575 88
Interest and Exchange,	478 07	Balance on hand, including drafts not at maturity,	4,041 29
	$51,617 17		$51,617 17

The undersigned Committee, appointed to audit the Accounts of the Treasurer and Executive Committee, from December, 1838, to January, 1840, have performed the duty assigned them, and find the above statement correct.

M. St. Clair Clarke,
Thomas W. Williams.

Note.—The amount of Liabilities falling due between this and the 20th April, are $9,456:—Deduct balance on hand, $4,041, leaves the sum of $5,415 to be provided for,—which the Committee trust the liberal Patrons of the Society will enable them to meet.